

**State of Iowa
City Development Board
Meeting Minutes of December 8, 2021
Iowa Economic Development Authority
1963 Bell Avenue, Suite 200
Des Moines, Iowa**

Call to order 1:07 p.m.

Present

Dennis Plautz, Board Chairperson
Jim Halverson, Board Vice Chairperson*
Mari Bunney*
Chris McKee*
Mackenzie O'Hair*

Others Present

Matt Rasmussen, Administrator, City Development Board
Betty Hessing, Administrative Assistant, City Development Board
Emily Willits, Iowa Department of Justice
Vicky Clinkscales, IT Department, IEDA
Dan Johnson, Former City of Mount Union
Linda Johnson, Former City of Mount Union
Robert Reding, Attorney in Curtis Dial Law Offices*
Chad White, Henry County Board of Supervisors*
Shelly Barber, Henry County Auditor*
Erin Clanton, Brick-Gentry Law, Attorney representing the City of Nevada*
Maggie Murray, City Planner, City of Bondurant
Frank Smith, Frank Smith Law Office, Attorney for City of Altoona
Chad Quick, City Planner, City of Altoona
John Shaw, Community Development Director, City of Altoona
Marina Reasoner, City Planner, City of Altoona*
Brad Deets, Assistant City Administrator, City of Wauke
Jeff Wozencraft, City Planner, City of Cedar Rapids*
Eric Richardson, Legislative Services Agency*
Bill Huls, Guest*
Kevin Baccam, Guest*
Doug Ryan, Guest*
Jon F., Guest*
Jordan Cook, Guest*
Carrie Johnson, IDOM*
Justin Moore, Planner, City of Ames*
Justin Dodge, Hunziker and Associates*
Amanda Grutzmacher, Senior Planner, City of Clive*
Kim Downs, City Manager, City of Hiawatha*
Jeffrey Sheridan, City Manager, City of Webster City*
Mark Hansen, IDOT*
Lori Judge, IDOT*
Anthony Volz, IDOT*

Nathan Aronson, IDOT*

*Participated via Teams Webinar

Introduction by Chairperson Dennis Plautz

Roll Call by Matt Rasmussen, Board Administrator

All Board Members were present.

Request for amendments to agenda

Motion by	Chris McKee
Motion	I make a motion to move the two Waukee annexation petitions before the Clive annexation petition on the agenda so as not to create an island.
Second	Mackenzie O'Hair
Roll Call	All ayes. Motion approved changes to agenda.

Consideration of October 13, 2021 Business Meeting Minutes

Motion by	Jim Halverson
Motion	I move the Business meeting minutes of October 13, 2021 be approved as printed and distributed.
Second	Mackenzie O'Hair
Roll Call	All ayes. Motion approved.

Old Business

UA21-12 Nevada	Matt Rasmussen explained that at the June 9 th meeting, the Board had approved UA21-12, Nevada annexation. When the engineer looked at the legal and they started to map it out, a scrivener's error in the legal description was discovered. After discussion, Emily Willits and I decided that the best course of action would be to have the City pass a resolution with the corrected legal description and then forward that to the Board for their approval. A Final Order with corrected legal description would then be sent to Proof of Service list. Emily Willits explained the legal description was correct in parts of the petition, but not in all. The maps were correct in the petition.
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Motion by	Jim Halverson
Motion	I move the Board approve the amended Appendix A, the legal description, for UA21-12.
Second	Chris McKee
Roll Call	All ayes. Motion approved.

D17-01 Mount Union	Chairperson Plautz stated that this morning we received some additional documents that were filed, which I am going to have Matt Rasmussen or Emily Willits address. Chairperson Plautz stated he is going to ask the Board
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members to go into closed session to discuss process and authority of the Board, but before I do that, I would ask Emily or Matt if they have any comments or if anyone present would like to make any comments before we go into closed session. Chairperson Plautz explained that it will be just the Board and staff in closed session and then we will come out of closed session to conduct the rest of the meeting on this issue. Both open and closed session will be recorded and kept. Emily Willits noted that a hand was raised in Teams.

Robert Reding on behalf of Curtis Dial—he's the attorney for the Plaintiffs—contact information is Curtis Dial Law Office and phone number is 319-524-7817. Mr. Reding stated that they wanted a formal hearing with testimony and evidence presented to the members. The Board would act as the jury to determine the claim and the amount.

Chairperson Plautz asked if anyone else had any comments before we go into closed session. No one had any comments. Chairperson Plautz asked for a motion from the Board to go into closed session.

Motion by	Jim Halverson
Motion	I move we go into closed session.
Second	Mackenzie O'Hair
Roll Call	All ayes. Motion approved.

Time the CDB went into Closed Session 1:23 p.m.

Motion by	Jim Halverson
Motion	I move we go back into our December 8 th regular Board meeting and out of closed session.
Second	Mari Bunney
Roll Call	All ayes. Motion approved.

Time the CDB went back into regular Board meeting 1:53 p.m.

D17-01 Mount Union	Chairperson Plautz stated we are back into open session. Just before we went into closed session, we had one person who had a comment to make so I would like to take a few minutes for those who have comments. Please put your hand up and we will give you an opportunity to comment. No comments were made.
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Chairperson Plautz stated he wanted to come back to the Board for any discussion or motions. Jim Halverson stated he wanted the Board to consider tabling this item today.

Motion by
Motion

Jim Halverson

I move we table this item today. We did get some materials just today and I think all parties, or some parties may want to respond to those materials that we received. This is individuals' option to respond to the following questions. Three questions that I think would be reasonable to consider are: (1) Who would defend the City's interest in a contested case proceeding? (2) Whether either party requests a jury trial? and (3) Can you provide any legal authority that would authorize this Board to award damages following a defamation trial?

I would request those folks be given a two-week window to respond, so December 22nd would be the deadline for us to receive responses. We could then take this up again at our January 12, 2022, Board meeting.

Chairperson Plautz stated to Jim Halverson that he's not saying that we should require anything from anyone, but just give them a few weeks to comment on those questions if they choose to do so. Mr. Halverson stated that was correct.

Chairperson Plautz stated the comments wouldn't be limited to just those questions; they could be anything else people would want to comment on. Jim Halverson replied that if there is anything over and above that, which parties think are relevant to the consideration of this request, then by all means.

Second
Roll Call

Mackenzie O'Hair

All ayes. Motion approved.

Send comments to Matt Rasmussen, at Matt.Rasmussen@IowaEDA.com. If you have any questions, Matt's phone number is 515-348-6196 and our mailing address is 1963 Bell Avenue, Suite 200, Des Moines, Iowa 50315. Chairperson Plautz stated that this case has been tabled until January.

Dan Johnson raised his hand and Chairperson Plautz told him to go ahead and speak. Dan Johnson from Mount Union. Just to clarify in my mind, at the January 12th meeting, you will be answering questions that people may or may not send to you. Is that the only action that will be taken? Chairperson Plautz replied we would probably be prepared to have a motion or set of motions to act on at that meeting, which would be sent out in the Board packet. Chair Plautz asked Emily Willits if that was correct. Emily Willits agreed. Chairperson Plautz stated we will be prepared to take action if we're comfortable with the comments received and the information we've already received. Dan Johnson asked if it would be an action item

and Chairperson Plautz replied, absolutely. Chairperson Plautz stated he would predict that there would be action items on that date. Dan Johnson thanked Chairperson Plautz.

New Business

UA21-32
Hiawatha

Matt Rasmussen stated the Board probably recognizes this Hiawatha annexation. It's 14.3 acres and is a 100% voluntary annexation for the City of Hiawatha. The reason the Board probably recognizes this is because it's been before the Board already. What happened, is the Board approved it and it was appealed. The appeal grounds was that the adjacent property owners were not noticed so a judge reversed it. Emily Willits and Matt Rasmussen have discussed and it's still our position that with 100% voluntary annexation petitions, the adjacent property owners don't need to be noticed; only in an 80/20 annexation do adjacent property owners need to be noticed. Therefore, Hiawatha has resubmitted the same annexation for approval.

With that, there are existing city services that are directly adjacent to the proposed annexation area. The services provided in the area are sanitary sewer, water main and access through the existing public street network. Private utilities such as electric, natural gas and communications are also available for the proposed annexation area. The City of Hiawatha currently does not have an active annexation moratorium agreement with any city adjacent to Hiawatha's city boundaries. The proposed annexation does include adjoining roadways. The packet does appear to be complete and properly filed. With this packet, they noticed everybody, including the adjacent property owners.

Chairperson Plautz asked if there were any questions and no questions were asked.

Motion by
Motion

Jim Halverson

I move the Board find UA21-32 is complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mari Bunney

All ayes. Motion approved.

UA21-33
Cedar Rapids

Matt Rasmussen introduced this 100% voluntary annexation petition for the City of Cedar Rapids, consisting of 1.5 acres. The City believes that the annexation area provides for orderly growth, in particular, because the area is a pre-existing island of county. You will notice on the zoomed in map, there are a couple areas that are outlined in red and this is part of one of those existing islands inside of Cedar Rapids. The

annexation is consistent with the City's Future Land Use Map laid out by EnvisionCR, the City's Comprehensive Plan which was developed incorporating the State's Smart Planning Principles. The City's Future Land Use Map identifies the land to be annexed as "Urban Low Density" which the Comp Plan and Zoning Code identify as being suitable for a variety of low density residential uses. The application was reviewed by all City departments. No concerns with municipal services were raised. The site is adjacent to the City limits and therefore near existing service areas for all city services. It is not subject to an annexation moratorium agreement and this packet does appear to be complete and properly filed.

Chairperson Plautz asked if there were any questions and no questions were asked.

Motion by
Motion

Jim Halverson

I move the Board find UA21-33 is complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mackenzie O'Hair

All ayes. Motion approved.

UA21-35
Waukee

Matt Rasmussen stated that, as Chris McKee mentioned earlier, we moved the two Waukee annexations up in order because if we did the Clive annexation first, these two pieces would technically be an island. They are on the west side of Warrior Lane in Waukee.

Mr. Rasmussen explained this was a 100% voluntary annexation petition for the City of Waukee consisting of 6.5 acres. This property is two of the three remaining parcels along Warrior Lane that were not included as a part of previous annexations into the City of Waukee. Because of this, the City of Clive was required to maintain a 50-foot strip along the east side of Warrior Lane in order to avoid creating an island. With the completion of annexation of these three remaining properties, the City of Clive will be able to annex the remaining 50-foot strip east of Warrior Lane. The property includes an approximately 5 acre lot and a 1.5 acre lot both of which have existing residential structures on them. The City and the property owner have agreed to a pre-annexation agreement which, among other things, allows for the continuation of all existing uses of the property. The property will be annexed into the city with a designated zoning classification of A-1 Agricultural District. The property is currently served by private septic tanks, however, the City has recently completed the construction of a sanitary trunk sewer located along Warrior Lane that can serve the property in the future. A new City water main was also recently installed along Warrior Lane and

both existing houses have already been connected to the new water main. North Warrior Lane (V Avenue) has also recently received an asphalt overlay that was completed within the last couple of weeks. The Waukee Fire and EMS Department already serve the area proposed within the annexation. Upon completion of the annexation, the City's Police Department would be responsible for patrolling and responding to the area. Both Departments have seen increased staffing levels over the last several years, which puts them in good position to serve the area proposed within the annexation.

The proposed annexation territory is not subject to an existing moratorium agreement and it appears to be complete and properly filed.

Chairperson Plautz asked if anyone had questions and questions were answered by Mr. Rasmussen.

Motion by
Motion

Jim Halverson

I move the Board find UA21-35 is complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Chris McKee

All ayes. Motion approved.

UA21-36
Waukee

Matt Rasmussen stated this was another 100% voluntary annexation petition for the City of Waukee. This is a parcel west of Warrior Lane and north of the previous parcel. It's ten acres. Everything else is virtually the same other than the ownership. Mr. Rasmussen reported that this annexation appears to be complete and properly filed.

Chairperson Plautz asked if anyone had questions and no questions were asked.

Motion by
Motion

Jim Halverson

I move the Board find UA21-36 is complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Chris McKee

All ayes. Motion approved.

UA21-34
Clive

Matt Rasmussen stated this is a 100% voluntary annexation petition for the City of Clive located to the east side of Warrior Lane, across from the two previous Waukee annexations the Board just approved. This is a request for annexation consisting of 9.1 acres for the City of Clive. Approval of the annexation will clean-up the Clive/Waukee boundary and place Warrior Lane into the city boundaries to accommodate future roadway improvements. The developable portion of the annexation area north of the Quam property was included in the single-family home lots within Shadow Creek Plats 6 and 9. It is anticipated the developable portion of the

annexation area adjacent to the Quam property and to the south will be included in future single-family home subdivisions. It is anticipated that provision of municipal services will be through the extension of utilities with the adjoining developments. The City of Clive is prepared to provide all police, fire, emergency medical and public works services to the properties.

The proposed annexation area is not subject to an existing moratorium agreement. The proposed annexation does include a 33' wide portion of the existing Warrior Lane right-of-way granted by easement.

Matt Rasmussen stated that this packet does appear to be complete and properly filed.

Chairperson Plautz asked if Board members or anyone else had questions or comments. Emily Willits asked a question regarding the map and Matt Rasmussen answered her question.

Motion by
Motion

Jim Halverson

I move the Board find UA21-34 as complete and properly filed and in the public interest and that it be approved.

Second
Roll Call

Mackenzie O'Hair

All ayes. Motion approved.

NC21-37
Ames

Matt Rasmussen stated this is an 80/20 annexation petition for the City of Ames. The total annexation area is 33.36 acres with 4.78 acres being non-consenting. On July 27th, 2021, the City Council voted to initiate an annexation of four parcels, including rights-of-way easements, located immediately west of the Ames corporate limits and extending westward to the Boone County line. The City Council's action was in response to an annexation petition received from Justin Dodge for one parcel of land owned by two owners: Fen & Shu Huang Revocable Trust and Daisy Chuen Yuan Soong. On May 24, 2021, Hunziker Development Group, LLC bought this property and submitted a voluntary annexation application dated October 21, 2021. Included in this annexation is 4.78 acres of non-consenting property in order to make more uniform boundaries for the City of Ames. The subject area is within the Southwest Growth Area of the City's Land Use Policy Plan. As a result of the Urban Service designation and Urban Residential classification, the annexation is consistent with both the City's Land Use Policy Plan and the Ames Urban Fringe Plan process for annexation. If approved for annexation, the Land Use Policy Plan designation would be "Village/Suburban Residential", allowing for a broad range of residential development types. When a property is

annexed into the City, it is automatically zoned as "Agricultural." Zoning does not change unless a request is initiated by an individual property owner or by the City Council. Current land use for the consenting piece is vacant row crop land. The non-consenting properties include two residential structures—both single-family homes. There are also a few small scattered agricultural out-buildings on the two non-consenting sites.

City staff reviewed the annexation submittal and notes that infrastructure improvements would be needed to serve the area as it develops. Water, sanitary sewer, storm sewer, street paving, sidewalk, and shared use path improvements are all needed to serve the proposed development and connect it to the existing infrastructure south of the site. Transportation improvements, water main extension, sanitary sewer improvements, electric improvements and stormwater improvements will all need to be made.

This annexation territory is not subject to a moratorium agreement and this packet appears to be complete and properly filed.

Chairperson Plautz asked if Board members or anyone else had questions or comments.

Chris McKee asked if the City had considered this annexation without the non-consenting parties. Justin Moore, with the Planning Department for the City of Ames, was present to explain further and answer questions. Justin Moore replied that after this petition was filed, staff did take this to the City Council for review and for their initiation and it was during that meeting and that process that they directed staff to include the additional non-consenting properties in addition to the consenting petitioner. Chris McKee asked what the reason for that was. Mr. Moore replied that the City Council indicated that they desired to have a more uniform boundary in this situation, to optimize city services. Without it, there would be a couple of jogs in the city limits, along North 500th. Chris McKee asked if that would affect city services. Mr. Moore replied that in this particular case, with development of the Huang property at hand—not immediately, however, the City Council indicated that they would like to do that in preparation for future expansion of the City at a later date. Chris McKee thanked Justin Moore for answering her questions. There were no other questions.

Motion by

Jim Halverson

Motion	I move the Board find NC21-37 is complete and properly filed and that a date for a public hearing be scheduled.
Second	Mackenzie O'Hair
Roll Call	McKee-No; Bunney-Yes; O'Hair-Yes; Halverson-Yes; Plautz-Yes. Motion approved. A public hearing was scheduled for January 12, 2022, at 1:30 p.m. at IEDA or via Teams Webinar.
NC21-38 Altoona	<p>Matt Rasmussen explained this was an 80/20 annexation petition for the City of Altoona. Altoona seeks approval of a voluntary annexation of a tract of land adjacent to the City on its easterly boundary consisting of 77.962 acres, including county road right-of-way of 2.780 acres. Exclusive of the county road right-of-way, the annexation consists of 75.182 acres of which 73.502 (97.77%) are owned by property owners who consent to the annexation and 1.68 acres (2.23%) are owned by non-consenting property owners whose land is included in the annexation to create more uniform boundaries and to avoid the creation of future islands. The annexation territory is zoned Low Density Residential by Polk County.</p> <p>Altoona has a need for developable residential land. Altoona's 2014 Comprehensive Plan Future Land Use Map anticipates the annexation territory to be developed as Low Density Residential. The area immediately adjoining the annexation territory is compatibly zoned. With the Southeast Polk Community School district purchasing the majority of the territory, there are plans for a 6th/7th grade middle school and possibly a future elementary school.</p> <p>Altoona presently provides no municipal services (other than fire and EMS) to the annexation territory, but has the immediate fiscal and physical capability of extending substantial municipal services to the annexation territory. These services include wastewater; water; public works; law enforcement; building, zoning, engineering, planning and related services; library; parks & recreation and fiscal.</p> <p>There is an urban services agreement with Pleasant Hill, but no other 28E agreements or annexation moratorium agreements that would be breached by virtue of this annexation.</p> <p>Frank Smith, Attorney representing Altoona, was present to explain further and answer questions from Board members.</p>

	Chairperson Plautz asked if Board members or anyone else had questions or comments. No questions were asked.
Motion by	Chris McKee
Motion	I move the Board find NC21-38 as complete and properly filed and that a date for a public hearing be scheduled.
Second	Mari Bunney
Roll Call	All ayes. Motion approved. A public hearing was scheduled for January 12, 2022, at 2:00 p.m. at IEDA or via Teams Webinar.
UA21-39	Matt Rasmussen stated this was a 100% voluntary annexation petition for the City of Bondurant consisting of 70 acres and within the urbanized area of the City of Altoona. This annexation property is currently undeveloped. The Bondurant City Council held a rezoning public hearing on November 15, 2021, to consider a request for rezoning from the City's Agricultural (A-1) District to the Medium Industrial (M-2) District, pending annexation approval. The City of Bondurant is currently pursuing designation through IEDA's Certified Site Program and was invited in November 2021 to move forward with third and final step of the certified site application process. The City of Bondurant is pursuing this certified site process to help attract industrial development to this land.
	If certified, this annexation must be serviced by water and sanitary sewer within six months of designation.
	The City of Bondurant is unaware of any annexation moratorium agreements currently in existence for this annexation area. The annexation area includes the adjacent county roadway right-of-way along 2 nd Street NW/NE 78 th Avenue—up to the centerline.
	Maggie Murray, City Planner for the City of Bondurant, was present to answer questions. No questions were asked.
Motion by	Chris McKee
Motion	I move the Board find UA21-39 as complete and properly filed and in the public interest and that it be approved.
Second	Mackenzie O'Hair
Roll Call	All ayes. Motion approved.
Staff Reports	Matt Rasmussen stated that our next City Development Board business meeting is scheduled for January 12, 2022, at 1:00 p.m. and we will have the two public hearings for Ames and Altoona.

**Future Meeting/
Public Hearing**

January 12, 2021, at 1:00 p.m., City Development Board
Business Meeting at IEDA, 1963 Bell Ave., Suite 200,
Des Moines or via Teams Webinar.

January 12, 2021, at 1:30 p.m., Ames Public Hearing
(NC21-37) at IEDA, 1963 Bell Ave., Suite 200, Des
Moines or via Teams Webinar.

January 12, 2021, at 2:00 p.m., Altoona Public Hearing
(NC21-38) at IEDA, 1963 Bell Ave., Suite 200,
Des Moines or via Teams Webinar.

Adjourn

2:32 p.m.

Respectfully Submitted,
Betty Hessing, Administrative Assistant